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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,850	02/07/2005	Thomas John	3208	4407

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EXAMINER	
NGUYEN, PHONG H	
ART UNIT	PAPER NUMBER
3724	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/523,850	JOHN ET AL.	
	Examiner	Art Unit	
	Phong H. Nguyen	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Bier et al (US 3,756,104).

Bier et al teaches a glass cutting machine comprising all the method steps claimed including, inter alia, inherent movement of the cutting tool at an angle to the travel direction of the glass sheet (G)[1]; producing a fissure; an inherent mechanical breaking of the glass sheet along the fissure; and wherein the cutting force is adapted to the thickness of the glass. Note Figs. 1-5, c. 1, ll. 9-16, ll. 40-47.

It is to be noted that the cutting tool in step (b) is inherently set up with a predetermined cutting force

It is to be noted that the cutting force at a particular location is adjustable due to the constant-reluctant motor means.

Claim Rejections - 35 USC § 103

[1] Note Sasabuchi et al (US 3,282,140) as exemplary of such movement.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bier et al (US 3,756,104) in view of Ikawa (EP 1,162,054 A1).

Bier et al. teach the invention substantially as claimed except for using a sensor to detect an irregular surface of the material at a cutting location so that the cutter can make an appropriate cutting depth.

Ikawa teaches using sensors 10 to detect an irregular surface of a material at a cutting location so that a cutter can make an appropriate cutting depth. See Figs. 1-2. Therefore, it would have been obvious to one skilled in the art to provide a sensor the glass cutting device of Bier et al. to detect an irregular surface of the material at a cutting location so that the cutter can make an appropriate cutting depth.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bier et al (US 3,756,104).

Bier et al. discloses the invention substantially as claimed except for the thermo-mechanical strain for producing the fissure. However, the Examiner submits that thermo-mechanical strain is a common and well known method step in the glass cutting art to produce a fissure, e.g. laser, and thereby would be an obvious substitute. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the method of Bier et al with

a thermo-mechanical strain inducing means to facilitate the inducement of the fissure for the reasons stated supra.

As a result, the sensing means would naturally, i.e. inherently, take into consideration the heat source output for determining cutting force.

Response to Arguments

6. Applicant's arguments filed on 10/12/2006 have been fully considered but they are not persuasive.

The Applicant argues that Bier does not teach that the cutting force should be increased or decreased at a position on the glass sheet that are thicker or thinner than average. This argument is not persuasive. Bier implicitly teaches the cutting pressure varying with respect to the thickness of the glass panel in col. 2, lines 5-15. Bier teaches a rapid cutting pressure varying device. He further teaches his device being capable of making a cut having a constant depth on an irregular surface. In order doing so, the rapid cutting pressure varying device must reduce cutting pressure at the thick area on the glass surface and increase cutting pressure at the thin area on the glass surface.

Regarding the Applicant's argument with respect to a sensor for detecting the thickness of the glass sheet, Ikawa teaches using a sensor to detect an irregular surface of a material at a cutting location so that a cutter can make an appropriate cutting depth. Therefore, the Applicant's argument is not persuasive.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Friday between 8:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley, can be reached on (571) 272-4502. In lieu of mailing, it is encouraged that all formal responses be faxed to **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

PN : mc

March 13, 2007

Timothy V. Eley
Primary Examiner